

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00174-02

ANTHONY CLAYTON ROBERTS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On August 4, 2016, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Anthony Clayton Roberts, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a 24-month term of supervised release in this action on January 29, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on November 13, 2015.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used alcohol excessively as evidenced by the positive breathalyzer sample submitted by him at Dismas Charities on March 20, 2016, and the defendant's admission to the probation officer on March 29, 2016, that he became extremely intoxicated on alcohol while away from the Dismas Charities program on March 20, 2016; (2) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on March 23, 2016, for amphetamine and methamphetamine; his admission to the probation officer on March 20, 2016, that he nasally ingested methamphetamine on March 20, 2016; his admission to the probation officer on June 13, 2016, that he nasally ingested methamphetamine on June 6, 2016; and a positive urine specimen submitted by him on June 29, 2016, for amphetamine and methamphetamine, the defendant having admitted to the probation officer that he had nasally ingested  $\frac{1}{2}$  gram of methamphetamine on June 27, 2016; and (3) the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he entered the Dismas Charities program on January 29, 2016, and left the

program without permission on May 21, 2016, and did not return; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.


And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of eighteen (18) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit

another federal, state or local crime and the special condition that he make himself available for drug abuse counseling and treatment as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 5, 2016

  
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John T. Copenhaver, Jr.  
United States District Judge